

KIRKLAND & ELLIS LLP
Daniel A. Bress (State Bar No. 257305)
daniel.bress@kirkland.com
Devin S. Anderson (*pro hac vice*)
devin.anderson@kirkland.com
655 Fifteenth Street NW
Washington, DC 20001
Telephone: (202) 879-5000
Facsimile: (202) 879-5100

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PAUL CORMIER and NICHOLAS)	CASE NO. 2:18-cv-07030 CAS (Ex)
SHONER,)	
)	DEFENDANT’S OMNIBUS
Plaintiffs,)	APPLICATION FOR LEAVE TO
)	FILE UNDER SEAL CLASS
v.)	CERTIFICATION BRIEFING
)	AND BRIEFING ON RELATED
CARRIER CORPORATION,)	MOTIONS TO EXCLUDE
)	
Defendant.)	
)	Judge: Christina A. Snyder

Pursuant to Local Rule 79-5.2.2, Defendant Carrier Corporation seeks leave to file under seal portions of (1) Defendant’s Memorandum of Law in Opposition to Plaintiffs’ Motion for Class Certification (“Class Certification Opposition”) and exhibits thereto; (2) Defendant’s Memorandum of Law in Opposition to Plaintiff’s Motion to Limit Consideration of the Expert Report of Wayne Schneyer (“Schneyer Opposition”) and exhibits thereto; and (3) certain exhibits to Defendant’s Motion to Exclude Plaintiff’s Expert Testimony of Paul J. Sikorsky (“Sikorsky Motion”). In support of this Application, filed herewith are the Declaration of Devin S. Anderson (“Anderson Decl.”) and a Proposed Order, which is narrowly tailored to seal only the material properly subject to sealing, and which lists the limited portions of the Class Certification Opposition, Schneyer Opposition, each exhibit thereto, and certain exhibits to the

1 Sikorsky Motion, that are to be filed under seal. Carrier has also filed redacted versions
2 of the documents proposed to be filed under seal.

3 The exhibits are testimony, expert reports, and Carrier-produced documents,
4 deemed produced in this case, that Carrier has designated as “Confidential” or “Highly
5 Confidential – Attorneys’ Eyes Only,” pursuant to paragraphs 1(d) and (e) of the
6 Stipulated Protective Order issued by the Honorable Charles F. Eick, United States
7 Magistrate Judge, on September 20, 2018. [ECF No. 44, at 3–4]. These documents have
8 been designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only”
9 because they contain information that is considered to be confidential and proprietary,
10 including competitively sensitive commercial and financial information. In addition,
11 portions of the various motions refer and rely on confidential information from those
12 exhibits. The information taken from these exhibits is substantially similar to
13 information in plaintiff’s motion for class certification, plaintiffs’ motion for class
14 certification filed in the related *Oddo* case, and the parties’ motions to exclude expert
15 testimony and opinions in this case and in the related *Oddo* case, which this Court already
16 found could be filed under seal. Specifically, defendant requests that the following
17 information be filed under seal:

18 Class Certification Opposition

- 19 • Portions of the Motion
- 20 • Portions of Exhibit 1
- 21 • Exhibit 6

22 Schneyer Opposition

- 23 • Portions of the Motion
- 24 • Portions of Exhibit 3

25 Sikorsky Motion

- 26 • Portions of Exhibit 1
- 27 • Portions of Exhibit 2
- 28 • Portions of Exhibit 4

- Exhibit 5

Carrier requests that the applicable portions of the Class Certification Opposition, and Schneyer Opposition, and exhibits thereto, as well as the referenced exhibits to the Sikorsky Motion, be filed under seal because they discuss or describe non-public highly confidential and proprietary materials of the type that the Court already found merited sealing. *See* 1/22/19 Order [ECF No. 65]; *see also* 12/27/18 Order [*Oddo* ECF No. 160]; 11/14/18 Orders [*Oddo* ECF. Nos. 138, 139]; 8/3/18 Order [*Oddo* ECF No. 116]; 7/25/17 Order [*Oddo* ECF No. 85].

1 Dated: February 1, 2019

/s/ *Daniel A. Bress*

KIRKLAND & ELLIS LLP

Daniel A. Bress

(State Bar No. 257305)

daniel.bress@kirkland.com

Devin S. Anderson

devin.anderson@kirkland.com

655 Fifteenth Street NW

Washington, DC 20001

Telephone: (202) 879-5000

Facsimile: (202) 879-5100

Jonathan Jeffrey Faria

(State Bar No. 274019)

jonathan.faria@kirkland.com

333 South Hope Street

Los Angeles, CA 90071

Telephone: (213) 680-8400

Facsimile: (213) 680-8500

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on February 1, 2019, a copy of the foregoing, along with all documents filed concurrently on the court's public docket were served electronically through the court's electronic filing system upon all parties appearing on the court's ECF service list. All documents concurrently filed under seal were served by U.S. Mail and electronic mail upon the following parties to this action:

Timothy N. Mathews
Zachary Beatty
Chimicles & Tikellis LLP
361 W. Lancaster Avenue
Haverford, PA 19041
Counsel for Plaintiffs

Kolin C. Tang
Shepherd, Finkelman, Miller & Shah, LLP
11755 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025
Counsel for Plaintiffs

James C. Shah
Shepherd, Finkelman, Miller & Shah, LLP
35 East State Street
Media, PA 19063
Counsel for Plaintiffs

James E. Breitenbucher
Fox Rothschild LLP
1001 Fourth Avenue
Suite 4500
Seattle, WA 98154
Counsel for Emerson Climate Technologies

/s/ Daniel A. Bress
Daniel A. Bress
(State Bar No. 257305)
KIRKLAND & ELLIS LLP
655 Fifteenth Street NW
Washington, DC 20001
Telephone: (202) 879-5000
Facsimile: (202) 879-5100
daniel.bress@kirkland.com

Attorney for Defendant